



Zoning Board of Adjustment - Tuesday, September 22, 2020, 6:30 p.m.

- This meeting will be conducted using the online meeting platform, Zoom. The public may view the meeting online by visiting www.zoom.us/join and enter the Meeting ID: 893 3174 2195.*
- If you are unable to attend the meeting online, you may call the toll-free # (888) 475-4499 and enter Meeting ID: 893 3174 2195 to listen to the meeting.*
- If you are unable to connect to the meeting using this number, call (603) 766-5646 or (603) 757-0684 then enter Participation ID: 981441*.
- More info on how to access this meeting is available on the Zoning Board of Adjustment webpage at ci.keene.nh.us/zoning-board-adjustment.
- If you encounter any issues accessing this meeting, please call 603-757-0622.

AGENDA

- I. Introduction of Board Members
- II. Minutes of the Previous Meeting – September 8, 2020
- III. Unfinished Business
- IV. Hearings:

ZBA 20-11:/ Petitioner, Hundred Nights, Inc. of 17 Lamson St., Keene, represented by Jim Phippard, of Brickstone Land Use Consultants, 185 Winchester St., Keene, requests a Variance for property located at 122 & 124 Water St., Tax Map #585-027-000 & 585-028-000; that is in the Business Growth and Re-Use District. The Petitioner requests a Variance to permit a homeless shelter (lodging house) and resource center in the BGR District where a homeless shelter and resource center are not listed as permitted uses per Section 102-771.1 of the Zoning Ordinance.

ZBA 20-16:/ Petitioner, Hundred Nights, Inc. of 17 Lamson St., Keene, represented by Jim Phippard, of Brickstone Land Use Consultants, 185 Winchester St., Keene, requests a Change of a Nonconforming Use for property located at 15 King Ct., Tax Map #122-022-000; that is in the Low Density District. The Petitioner requests a Change of a Nonconforming Use from a now vacant fitness center to a lodging house (homeless shelter).

- V. New Business:
- VI. Communications and Miscellaneous:
- VII. Non Public Session: (if required)
- VIII. Adjournment:

**In Emergency Order #12, issued by the Governor pursuant to Executive Order #2020-04, which declared a COVID-19 State of Emergency, the requirement that a quorum of a public body be physically present at the meeting location under RSA 91-A:2, III(b), and the requirement that each part of a meeting of a public body be audible or otherwise discernible to the public at the meeting location under RSA 91-A:2, III(c), have been waived. Public participation may be provided through telephonic and other electronic means.*

The Board chair will provide instructions during the meeting for how the public can provide comment.

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1 City of Keene
2 New Hampshire

3
4
5 ZONING BOARD OF ADJUSTMENT
6 MEETING MINUTES
7

8 **Tuesday, September 8, 2020**

6:30 PM

Remotely via Zoom

Members Present:

Arthur Gaudio, Alternate
Joshua Greenwald
Josh Gorman, Chair
Jane Taylor
Louise Zerba, Alternate
Joseph Hoppock
Michael Welsh

Staff Present:

Corinne Marcou, Zoning Clerk
John Rogers, Zoning Administrator
Mari Brunner, Planner

Members Not Present:

9
10
11 **I. Introduction of Board Members**
12

13 Chair Gorman announced that the Zoning Board of Adjustment was experiencing technical
14 difficulties with the telephone call-in portion of Zoom. Chair Gorman opened ZBA 20-11
15 and ZBA 20-16.
16

17 **ZBA 20-11:/ Petitioner, Hundred Nights, Inc. of 17 Lamson St., Keene, represented**
18 **by Jim Phippard, of Brickstone Land Use Consultants, 185 Winchester St., Keene,**
19 **requests a Variance for property located at 122 & 124 Water St., Tax Map #585-**
20 **027-000 & 585-028- 000; that is in the Business Growth and Re-Use District. The**
21 **Petitioner requests a Variance to permit a homeless shelter (lodging house) and**
22 **resource center in the BGR District where a homeless shelter and resource center**
23 **are not listed as permitted uses per Section 102-771.1 of the Zoning Ordinance.**

24 **ZBA 20-16:/ Petitioner, Hundred Nights, Inc. of 17 Lamson St., Keene,**
25 **represented by Jim Phippard, of Brickstone Land Use Consultants, 185**
26 **Winchester St., Keene, requests a Change of a Nonconforming Use for**
27 **property located at 15 King Ct., Tax Map #122-022- 000; that is in the**
28 **Low Density District. The Petitioner requests a Change of a**
29 **Nonconforming Use from a now vacant fitness center to a lodging house**
30 **(homeless shelter).**

31 Stating to the high volume of public response to these two applications and the recent arrival of
32 much information, Chair Gorman made a motion to continue ZBA 20-11 and ZBA 20-16 until
33 September 22, 2020 at 6:30 PM to allow more time for the Zoning Board of Adjustment to
34 adequately and properly review all public input. Mr. Hoppock seconded the motion.

35
36 Ms. Taylor asked if part of the reason for this is because there is additional information that will
37 be disseminated to the Board. Chair Gorman replied yes, there is a high volume of feedback on
38 this matter that the Board has yet to review. Ms. Taylor replied that she was not sure if it was
39 feedback from people or documentation that would be disseminated. Chair Gorman replied that
40 he can verify with City staff but his understanding is that they have an inundation of letters as
41 well as representation from Attorney Tom Hanna for the Kings Ct. application who has
42 submitted information within the last few days. Mr. Rogers stated that that is correct. He
43 continued that they received a lot of input from citizens in regards to the properties on Water St.
44 and Kings Ct.

45
46 Chair Gorman read a prepared statement explaining how the Emergency Order #12, pursuant to
47 Executive Order #2020-04 issued by the Governor of New Hampshire, waives certain provisions
48 of RSA 91-A (which regulates the operation of public body meetings) during the declared
49 COVID-19 State of Emergency. He called the meeting to order at 6:50 PM. Roll call was
50 conducted.

51
52 Chair Gorman called for a vote on the motion to continue ZBA 20-11 and ZBA 20-16. Mr.
53 Greenwald stated that he will recuse himself from the vote regarding ZBA 20-11. Chair Gorman
54 replied that it is okay for him to vote on this motion to continue the application until September
55 22, 2020 and then recuse himself at the time of the hearing.

56
57 The motion passed by unanimous vote.

58
59 **II. Hearings:**

60 **a. ZBA 20-12:/ Petitioner, Janis Manwaring of 50 Belmont Ave., Keene,**
61 **requests a Variance for property located at 50 Belmont Ave., Tax**
62 **Map #598-034-000; that is in the Low Density District. The Petitioner**
63 **requests a Variance to permit a change to a detached garage into an**
64 **Accessory Dwelling Unit (ADU) where a detached ADU is not a**
65 **permitted use in the Low Density District per Section 102-896 of the**
66 **Zoning Ordinance.**

67
68 Chair Gorman made a motion to continue ZBA 20-12 until September 15, 2020 at 6:30 PM, due
69 to the technical difficulties tonight. Mr. Hoppock seconded the motion, which passed by
70 unanimous vote.

71

72 Mr. Welsh stated that he is not available for a meeting on September 15. Chair Gorman stated
73 that he thinks they could have an alternate ZBA member replace Mr. Welsh for the September 15
74 meeting. Mr. Rogers replied that that is okay.

75 **b. ZBA 20-13:/ Petitioner, Theodore Chabott of 245 Church St., Keene,**
76 **requests a Variance for property located at 245 Church St., Tax Map**
77 **#573-060-000; that is in the Medium Density District. The Petitioner**
78 **requests a Variance to permit the construction of a three car garage**
79 **within five foot setback where ten feet is required per Section 102-**
80 **791 of the Zoning Ordinance.**

81
82 Chair Gorman made a motion to continue ZBA 20-13 until September 15 at 6:30 PM, due to
83 technical difficulties. Mr. Greenwald seconded the motion.

84
85 Ms. Taylor asked if Chair Gorman was referring to today's technical difficulties or if the
86 applicants are requesting the delay. Chair Gorman replied that today's technical difficulties result
87 in the Board not being able to follow the protocol for handling the meeting properly. People are
88 not able to phone in, so they are motioning to continue the hearings until those technical
89 difficulties are fixed.

90
91 The motion to continue ZBA 20-13 until September 15 passed by unanimous vote.

92 **c. ZBA 20-14:/ Petitioner, David Borden of 55 Langley Rd., Keene,**
93 **requests a Variance for property located at 173 Wyman Rd., Keene,**
94 **owned by the Bruce L. and Phyllis R. Borden Revocable Trust, of 173**
95 **Wyman Rd., Keene, Tax Map #210-048-000 that is in the Rural**
96 **District. The Petitioner requests a Variance to permit a three +/- acre**
97 **lot with 2.85+/- acres of upland and 0.15+/- acres of delineated**
98 **wetlands, where five acres are required per Section 102-791 of the**
99 **Zoning Ordinance.**

100
101 Chair Gorman made a motion to continue ZBA 20-13 until September 15 at 6:30 PM. Mr.
102 Hoppock seconded the motion, which passed by unanimous vote.

103
104 **d. ZBA 20-15:/ Petitioner, David Borden of 55 Langley Rd., Keene,**
105 **requests a Variance for property located at 173 Wyman Rd., Keene,**
106 **owned by the Bruce L. and Phyllis R. Borden Revocable Trust, of 173**
107 **Wyman Rd., Keene, Tax Map #210-048-000 that is in the Rural**
108 **District. The Petitioner requests a Variance to permit a building on a**
109 **22 acre lot that only has four acres of defined upland per Section 102-**
110 **1494 A and 1494 of the Zoning Ordinance.**

111
112 Chair Gorman stated that the applicant is withdrawing ZBA 20-15. He continued that his
113 understanding is that the applicant found some more upland portion of the property. Mr. Rogers

114 replied yes, that is correct. He continued that the City learned via email that the petitioner found
115 the land he needed to use, five acres of dry land that meets the Zoning Code.
116 Chair Gorman stated that he apologizes to everyone for the meeting's technical difficulties. He
117 continued that they will see everyone next week and the following week.

118

119 **III. Minutes of the Previous Meeting – June 1, 2020**

120

121 Mr. Hoppock made a motion to accept the meeting minutes of June 1, 2020. Ms. Taylor
122 seconded the motion, which passed by unanimous vote.

123

124 Chair Gorman adjourned the meeting at 7:05 PM.

125

126 Respectfully submitted by,
127 Britta Reida, Minute Taker
128 Staff edits submitted by,
129 Corinne Marcou, Zoning Clerk

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122 & 124 WATER ST. ZBA 20-11



Petitioner requests a Variance to permit a homeless shelter (lodging house) & resource center where these uses are not permitted in the BGR District per Section 102-771.1

APPLICATION FOR APPEAL

Zoning Board of Adjustment
3 Washington Street, Fourth Floor
Keene, New Hampshire 03431
Phone: (603) 352-5440

For Office Use Only:	
Case No.	<u>2BA20-11</u>
Date Filed	<u>8/20/2020</u>
Received By	<u>CSM</u>
Page	<u>1</u> of <u>10</u>
Reviewed By	_____

The undersigned hereby applies to the City of Keene Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

TYPE OF APPEAL - MARK AS MANY AS NECESSARY

- APPEAL OF AN ADMINISTRATIVE DECISION
- APPLICATION FOR CHANGE OF A NONCONFORMING USE
- APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE
- APPLICATION FOR A SPECIAL EXCEPTION
- APPLICATION FOR A VARIANCE
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

SECTION I - GENERAL INFORMATION

Name(s) of Applicant(s) Hundred Nights Inc Phone: 352-5197
 Address PO Box 833 17 Lamson St. Keene NH 03431
 Name(s) of Owner(s) Green Diamond Group LLC
 Address 143 Centre Street East Sullivan NH 03445
 Location of Property 122 & 124 Water Street

SECTION II - LOT CHARACTERISTICS

Tax Map Parcel Number 585-027-000 & 585-028-000 Zoning District BGR
 Lot Dimensions: Front 73' / 66' Rear 84' / 109' Side 197' / 205' Side 179' / 180'
 Lot Area: Acres .33 AC +/- & .29 AC +/- Square Feet 14,374.80 +/- & 12,632.40 +/-
 % of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing 14% 18% Proposed 14%/18%
 % of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing 94.5% 40% Proposed 94.5% 40%
 Present Use Vacant
 Proposed Use Lodging House - Hundred Nights Shelter & Resource Center

SECTION III - AFFIDAVIT

I hereby certify that I am the owner or the authorized agent of the owner of the property upon which this appeal is sought and that all information provided by me is true under penalty of law.

Thomas Stevens Date 8/19/2020
(Signature of Owner or Authorized Agent)

Please Print Name Thomas Stevens, MEMBER

K:\ZBA\Web_Forms\Variance_Application_2010.doc 8/22/2017

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

and

ii. The proposed use is a reasonable one because:

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

PROPERTY ADDRESS 122 & 124 Water Street

APPLICATION FOR A VARIANCE

- A variance is requested from Section (s) **102-771.1 – Permitted Principal Uses** of the Zoning Ordinance to permit: **a Homeless Shelter (Lodging House) and Resource Center in the BGR District where a Homeless Shelter and Resource Center are not listed as permitted uses.**

Background: Hundred Nights Shelter was created in 2010 to provide temporary housing for homeless individuals and families during the winter months when other emergency shelters reached capacity or individuals were deemed ineligible for services. Over the last ten years, the number of homeless has increased, particularly among families, to the point that the shelter is now open year-round. Hundred Nights recorded a 280% increase in homeless families using its services from 2016 to 2019. This past winter, the agency had as many as sixteen children under the age of eighteen in the shelter at one time.

The agency’s leased facility at 17 Lamson Street has 26 beds (including two staff beds) on the second floor accessible only by stairs. In response to the rise in homelessness, the United Church of Christ (UCC) in Keene began providing 12 overflow beds in their dining room from January through March. This past fall, St. James Church in Keene opened in November to offer an additional 12 overflow beds to the community and remained open through June 2020. Hundred Nights staffs the two overflow locations and its own facility providing a total of 48 shelter beds during the cold weather months.

Due to the current pandemic, many individuals have lost jobs and as the current restrictions prohibiting evictions expire, there will likely be many more experiencing or at risk of homelessness who will need help securing temporary shelter and returning to permanent housing. In addition, the physical separation required to keep residents safe and to avoid the spread of the coronavirus has resulted in a loss of beds available in the existing facilities. The overflow beds located at the United Church of Christ will likely be lost due to the pandemic; UCC closed early in March to protect the health of the congregation. The overflow beds at St. James Church may still be available this coming winter. As you can see by the numbers below, one larger facility with an adequate number of beds and appropriate accommodations for families is badly needed.

Hundred Nights Inc.
Average Number of Shelter Guests per Night 2019-2020

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
2019	32	39	31	20	12	14	17	16	18	18	25	35
2020	39	43	39	43	23	21	21					

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH CONDITION:

1. **Granting the Variance would not be contrary to the public interest because:**
The current supply of homeless shelter beds in the region does not adequately and appropriately serve the number and respective needs of individuals and families who request assistance. With the coronavirus, and the requirement for physical distancing, it has become more necessary and urgent that one facility be equipped to provide consistent and reliable shelter and crisis-related services to a diverse population.

The current facility does not have outdoor space or a large enough indoor space for clients and visitors to go during the day. The Water Street location will offer safe and comfortable spaces for guests to use on a daily basis, preventing them from having no other option than to be out on the streets. The shelter and resource center will also have multiple public restrooms, of which there are few that the public can currently access in downtown Keene. Additional space is needed so residents can be safely spaced to prevent the spread of the virus within this population and within our community. It is in the public interest to grant a variance which will help address the urgent need we are now facing.

2. **If the variance were granted, the spirit of the ordinance would be observed because:** The spirit of the zoning ordinance is to protect the health, safety and general welfare of the public. It is possible we may reach the point of a community emergency this coming fall and winter due to the loss of beds available for homeless individuals and families. Churches may be unable to help provide shelter to keep their congregation members safe and to reduce spreading the virus. At the same time, service providers anticipate that the level of need will continue at current levels or even increase due to the economic effects of the pandemic.

A variance is needed to allow a Homeless Shelter and an associated Resource Center to be created at the proposed site which is in the BGR District. The intent of the BGR District, in part, is to encourage re-development of properties adjacent to Keene's urban core using existing infrastructure and services as well as access to the Cheshire Rail Trail.

1. *To create conditions suitable to co-exist adjacent to residential neighborhoods.* The proposed site is screened on three sides with 6' high solid fencing along Community Way and chain link fencing and existing vegetated buffers on the north and east sides. This provides a visual buffer from surrounding properties.
2. *Create conditions which support that of a high quality, walkable community...* Residents would have several safe options for transportation at this location. The proposed site is adjacent to the Cheshire Rail Trail and public sidewalks on Community Way and Water Street. This location is also on the existing bus route for the Friendly Bus; and City Express stops at the nearby Monadnock Food Coop.

3. *Create a sense of place through enhancing public access, providing landscape amenities, ensuring proper lighting, and promoting an aesthetically-pleasing streetscape.* If granted the variance, the site will be redeveloped to add a new building with proper site lighting, new landscaping including trees along Community Way.
4. *Connect uses and buildings while prioritizing pedestrian and bicycle access separate from vehicular access.* Most of the residents do not have cars, making the location next to public sidewalks and the Cheshire Rail Trail very important. Two existing buildings on the site will be removed and a new facility will be constructed for the shelter and resource center.
5. *Utilize the construction of new and adaptive re-use of existing buildings as opportunities to create "outdoor rooms", a critical element of "place-making"; aiming for ratios of building facades to roadway widths from 1:2 to 3:2.* The existing buildings on the site fall within the length to width ratios recommended. The new building will be designed to follow these ratios as well.
6. *Recognize the role of large street trees which plays an important role in creating a pedestrian scale. Pedestrian comfort being another critical element to the vitality of these new places being created.* If granted the variance, new trees will be planted on the site near Community Way to help provide pedestrian scale.
7. *Reduce the impacts of parking through its placement behind or alongside buildings.* The existing parking is located behind and alongside the existing buildings on the site.
8. *Provide open space and landscaping to create small, public spaces for social interaction., enhancing the visual appearance and appeal of the individual properties along Marlboro Street and into the connecting streets and neighborhoods.* A small courtyard is planned for the site with benches, trees and plantings. This will provide space for social interaction between residents and staff and visitors to the site. The current facility on Lamson Street does not have any outdoor space for clients to use during the day, forcing many to spend the day on the sidewalks of Lamson Street, Main Street or surrounding downtown streets and alleyways if they have nowhere else to go. The 600 square foot resource center is also too small to accommodate all clients during the day especially with the pandemic.
9. *Provide trails for pedestrians and bicyclists to be sure Keene's walkable and pedestrian-friendly environment is extended along Marlboro Street and into the connecting streets and neighborhoods.* The proposed site will utilize the public sidewalks and the rail trail for access to the site.

10. *Provide pedestrian amenities such as kiosks, stands, street furniture, drinking fountains, trash and recycling receptacles.* If granted the variance, trash and recycling bins will be provided on the site.
11. *Enhance the visual appearance of the individual properties, Marlboro Street, and connecting streets.* If granted the variance, the property will be re-developed to improve the visual appearance of the existing buildings. A new building will be proposed which will enhance the site appearance by replacing a portion of the large parking area at the rear of the site.
12. *Provide the location-sensitive transition between neighborhoods and uses along Marlboro Street.* While this site is not along Marlboro Street, it is a transition site between the Water Street neighborhood and the downtown Central Business district. Directly Across Community Way are two three-story residential buildings. A new building at this site will balance the visual appearance opposite the three story buildings and provide a better transition into the CB zoned properties to the north.
13. *Provide shade and public spaces for social interaction.* The new trees to be planted at the site will provide shade on the site. The planned courtyard and benches will provide space for residents and visitors to interact when it is determined to be safe again, post pandemic.

If the variance is granted the spirit of the ordinance will be observed. A new Homeless Shelter and Resource Center will be constructed with adequate beds in a manner which is compatible with the area. It will provide a walkable location close to downtown with elements that fit the intent of the BGR district.

3. **Granting the variance would do substantial justice because:** Granting the variance will allow the owner of the property to sell his now vacant buildings for a use that is a critical need for the community. Redevelopment of the site will improve the value of the property and improve the appearance of the site. Denial of the variance will not benefit the public, but it will cause an unnecessary injustice to the owner and to residents needing shelter and crisis-related services. It will also do nothing to alleviate the complaints of downtown merchants who are frustrated by the public using their private restrooms due to the lack of public restrooms in Keene.
4. **If the variance were granted, the values of the surrounding properties would not be diminished because:** Hundred Nights, Inc. has existed on Lamson Street since 2010. In 2017 a review of the assessed values of the abutting properties was done. It showed that from 2011 to 2016 the abutting properties decreased in value by approximately 1.31%. Citywide, property assessments decreased by an average 5.9% during that same time period. If the variance is granted, the construction of a new building on the proposed site for a Homeless Shelter and Resource Center will enhance the appearance and value of the property. It will not increase traffic and will

not increase noise from the previous use. Values of surrounding properties will not be diminished.

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

i. **No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:**

122 – 124 Water Street are two tracts which, when combined, will total 0.67 acres. They are both in the BGR District. Both lots are nonconforming due to building setbacks, building height and lot coverage. Looking at the Keene Zone Map, the 122-124 Water Street lots are a tiny finger of land surrounded on three sides by property in the Central Business District. BGR and CB are vastly different zoning districts: CB has no setback requirements, no parking required, allows buildings up to 6 stories by Special Exception, and allows 100% lot coverage.

BGR has front, side and rear setback requirements, requires on site parking, limits building heights to 2 stories (4 stories with parking under the building), and limits lot coverage to 65% of the lot.

The east half of the property is in the Historic District and in the Downtown Railroad Property Redevelopment Overlay District. The west half is not.

As a finger of BGR land surrounded by CB land, and half of the property in the Historic District and the Downtown Railroad Property Redevelopment District, this results in a unique condition distinguishing this property from other properties in the area and in the BGR District.

This property is also the subject of a proposed re-zoning of the downtown area. It is currently recommended to be re-zoned to a new zone: Downtown Growth District. The Downtown Growth District, as currently proposed, will allow a Homeless Shelter as a permitted use. So why not wait for the re-zoning?

The proposed re-zoning has already been discussed for over two years and staff is not sure if the re-zoning will be adopted this year. This zoning uncertainty has left this property and this project in limbo. This creates another unique and special condition for this property. The owner has no choice but to seek a variance so he can sell his property and the project can proceed. Otherwise, the vacant buildings will remain vacant.

And

ii. **The proposed use is a reasonable one because:**

The proposed use is a Homeless Shelter and Resource Center. It is a reasonable use in this location for many reasons. It is close to downtown

where most of the support services are located for this population. It is not in the middle of downtown. City sidewalks and the Cheshire Rail Trail provide safe walking access to the site. The City Express and the Friendly Bus service this area. The proposed use will not increase traffic and will not generate excessive noise. The construction of a new building on the site will enhance the visual appearance and improve the property value.

B. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The two lots are existing nonconforming lots due to building setbacks, building height and lot coverage. Together, they form a 0.67 acre finger of land in the BGR district which is surrounded on three sides by land in the Central Business District. BGR and CB are vastly different zoning districts: CB has no setback requirements, no parking required, allows buildings up to 6 stories by Special Exception, and allows 100% lot coverage.

BGR has front, side and rear setback requirements, requires on-site parking, limits building heights to 2 stories (4 stories with parking under the building), and limits lot coverage to 65% of the lot.

The east half of the property is in the Historic District and in the Downtown Railroad Property Redevelopment Overlay District. The west half is not.

As a finger of BGR land surrounded by CB land, and half of the property in the Historic District and the Downtown Railroad Property Redevelopment District, this results in a unique condition distinguishing this property from other properties in the area and in the BGR District.

This property is also the subject of a proposed re-zoning of the downtown area. It is currently recommended to be re-zoned to a new zone: Downtown Growth District. The Downtown Growth District, as currently proposed, will allow a Homeless Shelter as a permitted use. So why not wait for the re-zoning?

The proposed re-zoning has already been discussed for over two years and staff is not sure if the re-zoning will be adopted this year. This zoning uncertainty has left this property and this project in limbo. This creates another unique and special condition for this property. The owner has no choice but to seek a variance so he can sell his property and the project can proceed. Otherwise, the vacant buildings will remain vacant.

It is not fair or reasonable to hold this property hostage by a rezoning process that has taken over two years and has no end in sight. The owner has no choice but to seek a variance to allow the proposed use.

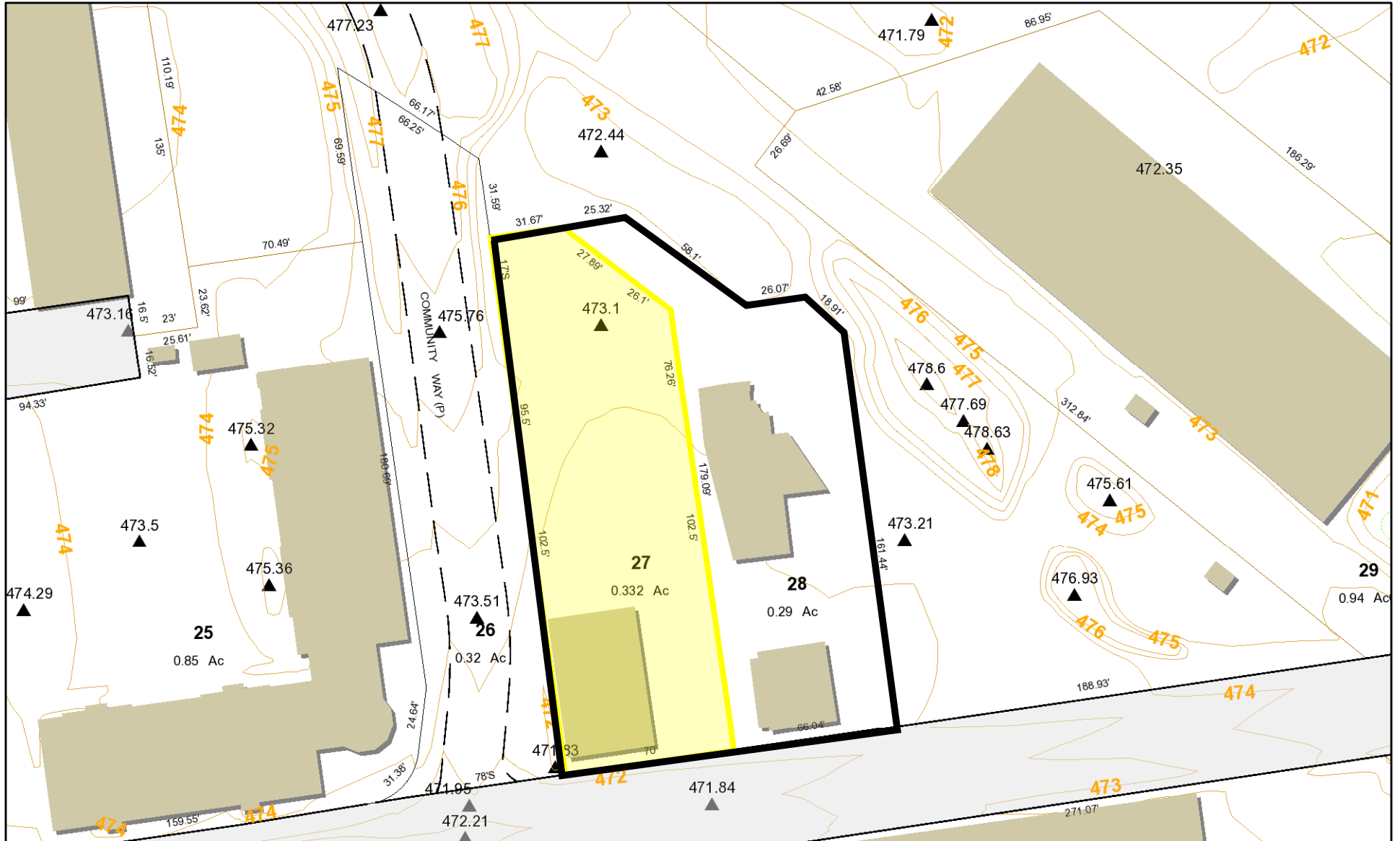


Keene, NH

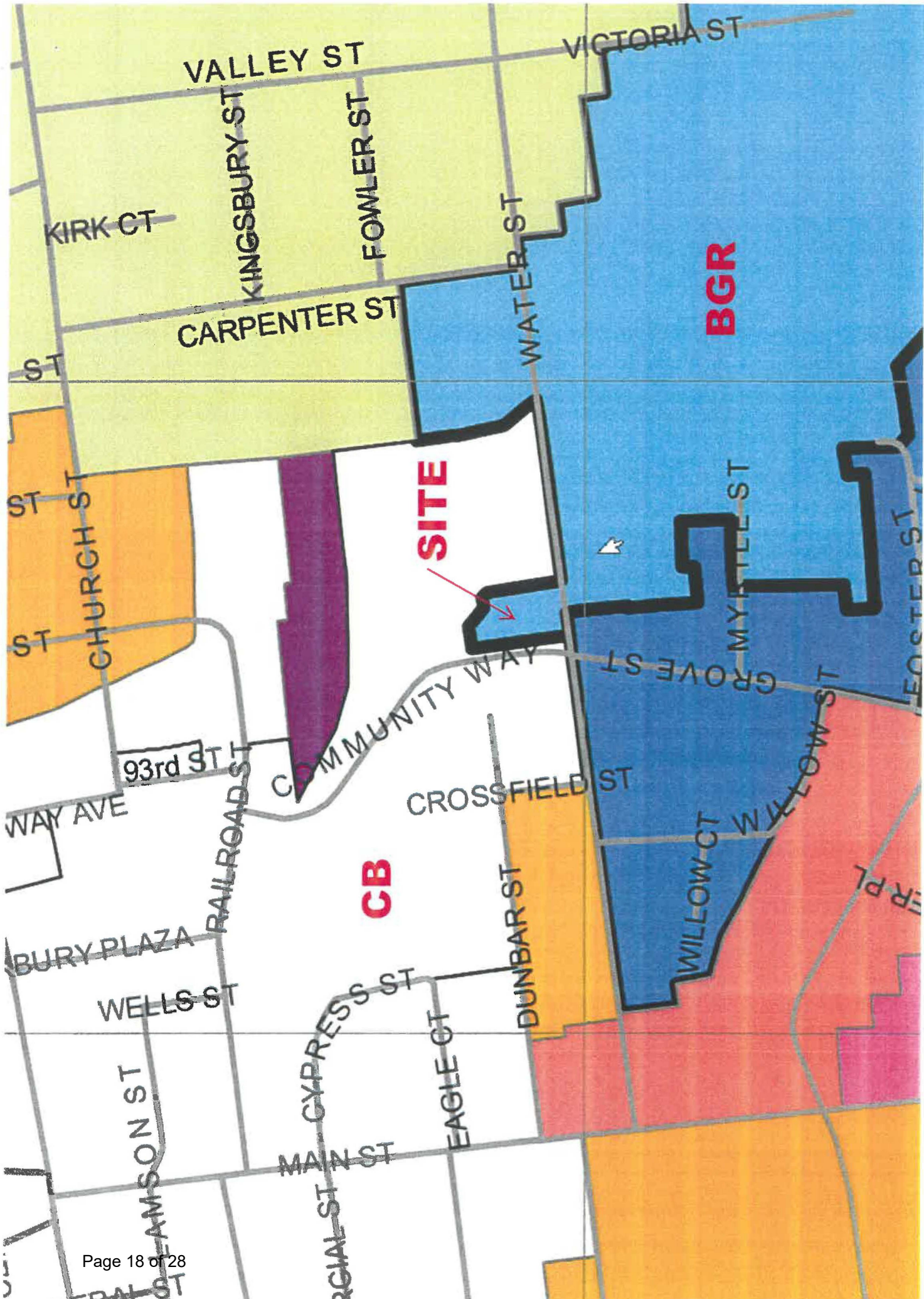
1 inch = 56 Feet



August 28, 2020



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



585007000
KNOTTY PINE ANTIQUE MARKET INC
PO BOX 96
WEST SWNZEY NH 03469

585031000000
DONNA FORTE
23 RALSTON ST
KEENE NH 03431-3643

585032000000
JOSHUA A GREENWALD
JENNIFER E GREENWALD
39 CONCORD HILL DR
KEENE NH 03431

585025000
CITYSIDE HOUSING ASSC LP
63 COMMUNITY WAY
KEENE NH 03431

Brickstone Land Use Consultants LLC
185 Winchester Street
Keene NH 03431

585027000,585028000
GREEN DIAMOND GROUP LLC
143 CENTRE ST
EAST SULLIVAN NH 03445

585033000000
THEODORE E CHABOTT LIVING TRUST
245 CHURCH STREET
KEENE NH 03431

596008000000
SEGTEL INC
41 STATE STREET
ALBANY NY 12207

585056000
210 Holdings LLC
PO Box 164
Marlow NH 03456

574041000
Railroad Square Senior Housing LP
PO Box 603
Keene NH 03431

574041000000
RAILROAD STREET CONDOMINIUM
ASSC
PO BOX 603
KEENE NH 03431-0603

574038000
FINDINGS REALTY INC
97 EASTSIDE ROAD
HARRISVILLE NH 03450

574041000000
RAILROAD LAND DEV LLC
51 RAILROAD STREET STE 101
KEENE NH 03431

585026000,585029000
CITY OF KEENE
3 WASHINGTON STREET
KEENE NH 03431

574041000
Southwestern Community Services Inc
63 Community Way
Keene NH 03431

574041000
Bruder Street Properties LLC
2 James Hill Dr
Keene NH 03431-4900

574041000
MFC Land Company Inc
34 Cypress St #E
Keene NH 03431

574041000
CHESHIRE MEDICAL CENTER
ATTN: ACCOUNTS PAYABLE
ONE MEDICAL CENTER DRIVE
LEBANON NH 03756

585034000
Michael A Brown
Deborah L Austin Brown
53 Pine Ave
Keene NH 03431

585030000
B&D Holdings Inc
67 Mountain Blvd Ext
Suite 201
Warren NJ 07059-5602

585058000
Joshua Greenwald
39 Concord Hill Rd
Keene NH 03431

Hundred Nights Inc
PO Box 833
17 Lamson Street
Keene NH 03431



REVISIONS:

OWNER/DEVELOPER:
GREEN DIAMOND GROUP LLC
 143 CENTRE STREET
 EAST SULLIVAN, NH 03445

ENGINEER:

PLANNER:
Brickstone
 Land Use Consultants LLC
Site Planning, Permitting and Development Consulting
 185 Winchester Street, Keene, NH 03431
 Phone: (603) 357-0116

PROPOSED SITE
HUNDRED NIGHTS SHELTER
 122 & 124 WATER STREET
 KEENE, NH

SITE SKETCH

SCALE:
 DATE: AUGUST 20, 2020

SHEET 1

122 - 124 WATER STREET

Write a description for your map.

Legend



Google Earth

100 ft

15 KINGS CT.
ZBA 20-16



Petitioner requests a Change of a Nonconforming Use from a now vacant fitness center to a lodging house (homeless shelter)

APPLICATION FOR APPEAL

Zoning Board of Adjustment
3 Washington Street, Fourth Floor
Keene, New Hampshire 03431
Phone: (603) 352-5440

For Office Use Only:	
Case No.	<u>ZBA 20-110</u>
Date Filed	<u>8/25/2020</u>
Received By	<u>CM</u>
Page	<u>1</u> of <u>7</u>
Reviewed By	_____

The undersigned hereby applies to the City of Keene Zoning Board of Adjustment for an Appeal in accordance with provisions of the New Hampshire Revised Statutes Annotated 674:33.

TYPE OF APPEAL

- APPEAL OF AN ADMINISTRATIVE DECISION
- APPLICATION FOR CHANGE OF A NONCONFORMING USE
- APPLICATION FOR ENLARGEMENT OF A NONCONFORMING USE
- APPLICATION FOR A SPECIAL EXCEPTION
- APPLICATION FOR A VARIANCE
- APPLICATION FOR AN EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

SECTION I - GENERAL INFORMATION

Name(s) of Applicant(s) HUNDRED NIGHTS INC Phone: 603-352-5197
Address PO BOX 833 KEENE NH
Name(s) of Owner(s) RAETTE F TROMBLY LIVING TRUST
Address PO BOX 1117 KEENE NH 03431
Location of Property 15 KING CT

SECTION II - LOT CHARACTERISTICS

Tax Map Parcel Number 122-022-000 Zoning District LD
Lot Dimensions: Front 124.13' Rear 106.55' Side 218.00' Side 218.00'
Lot Area: Acres 0.28 Square Feet 12,268
% of Lot Covered by Structures (buildings, garages, pools, decks, etc.): Existing 20.1% Proposed 20.1%
% of Impervious Coverage (structures plus driveways and/or parking areas, etc.): Existing 59% Proposed 59%
Present Use FITNESS CENTER NOW VACANT
Proposed Use LODGING HOUSE (HOMELESS SHELTER)

SECTION III - AFFIDAVIT

I hereby certify that I am the owner in fee or the authorized agent of the owner in fee of the property upon which this appeal is sought and that all information provided by me is true under penalty of law.

Raette Trombly Date 8-25-20
(Signature of Owner or Authorized Agent)
Please Print Name RAETTE TROMBLY

PROPERTY ADDRESS 15 KING CT

APPLICATION FOR CHANGE OF A NONCONFORMING USE

The Zoning Board of Adjustment may, in appropriate circumstances and with appropriate safeguards, permit a nonconforming use to be changed to another nonconforming use provided that the following criteria are met.

DESCRIBE BRIEFLY YOUR RESPONSE TO EACH CONDITION:

1. The changed use will be more in the spirit and intent of the Zoning Ordinance.

SEE ATTACHED

2. The changed use will not be more injurious, obnoxious or offensive to the neighborhood.

APPLICATION FOR CHANGE OF A NONCONFORMING USE

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DESCRIBE BRIEFLY YOUR RESPONSE TO EACH CONDITION:

1. The changed use will be more in the spirit and intent of the Zoning Ordinance.

The existing building is currently a vacant building which was previously used as a commercial fitness center and prior to that it was used as Indian King Framery, a retail use. To the west and north of the property are dormitories at Keene State College; also to the north are a mix of single family homes and rental properties on Appleton Street; to the east are office buildings; and to the south is Rt. 101. The proposed use as a homeless shelter (lodging house) is a residential use.

The existing building will be used as sleeping quarters. It will be open at 6:30 PM every evening and closed at 7:00 AM. Guests will be shuttled to this facility from Lamson Street, and then shuttled back to Lamson Street every morning. The facility will be closed during the day other than workers performing cleaning and maintenance.

The spirit and intent of the zoning ordinance is to protect the health, safety and general welfare of the public. In the Low Density district, the intent is to primarily allow single family residences. However, the LD district also allows Group Homes and Institutional uses by Special Exception. This location on King Court is a mix of business uses and housing adjacent to the State highway. It is not a good location for a single family house.

The proposed use will not generate significant traffic; it will not generate excessive noise. The use as a residential sleeping quarters for homeless individuals and families will help to protect the health, safety and general welfare for these people.

It is in the public interest to allow a change in use which is more compatible with the existing residential uses in the LD district than the previous business uses.

2. The changed use will not be more injurious, obnoxious, or offensive to the neighborhood.

The use as sleeping quarters for homeless individuals and families is a benign use which will not be injurious, obnoxious, or offensive to the neighborhood. The facility will operate only at night, opening at 6:30 PM and closing at 7:00 AM. Guests will be shuttled to this facility from the homeless shelter at Lamson Street and then shuttled back to Lamson Street every morning. The only activity at this facility during the day will be cleaning and maintenance activities. There will be less traffic from the proposed use than the prior use as a fitness center. There will be no significant noise generated by this proposed use. The site is served by city water and city sewer. There is on-site parking for the support staff. Granting this application will not result in excess traffic, will not reduce the safety or the capacity of Main Street, and will not pose a threat to public health, safety or welfare.

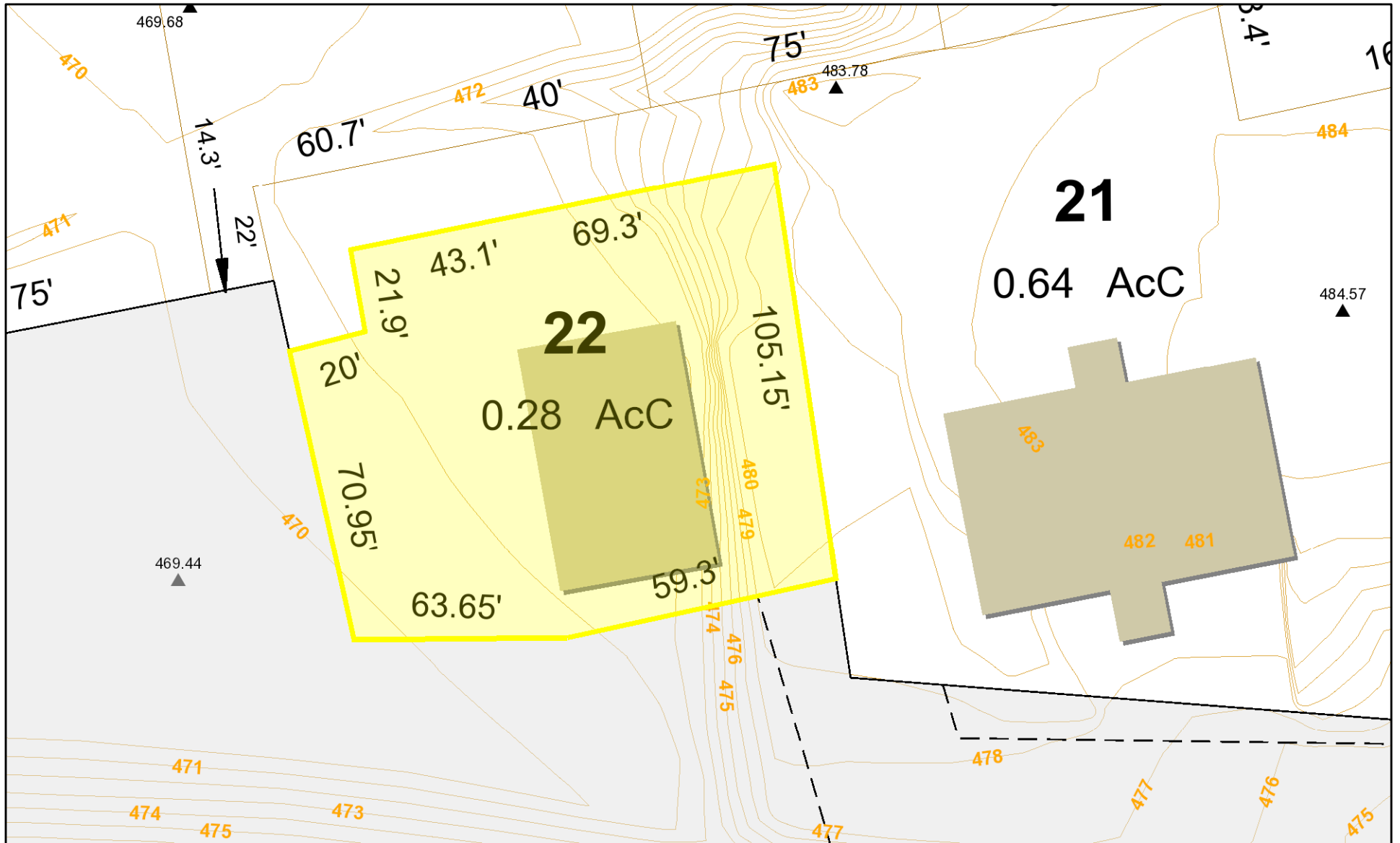


Keene, NH

1 inch = 34 Feet



August 28, 2020



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

112-022-000
RAETTE F TROMBLY LIVING TRUST
PO BOX 1117
KEENE NH 03431

112-020-000
WHITE HOUSE GROUP
441 MAIN STREET
KEENE NH 03431

112-021-000
BAKKE REALTY & MANAGEMENT CO
PROSPECT HILL ROAD
SPOFFORD NH 03462

112-023-000
SELMA XANTHOPOULOS LIVING TRUST
297 MARLBORO STREET
KEENE NH 03431

112-024-000
STEPHEN L ROGERS
LYNDA L ROGERS
425 MAIN STREET
KEENE NH 03431

112-025-000
JANICE R D'ALESSIO LIVING TRUST
PO BOX 1806
KEENE NH 03431

112-026-000
JOHN PAPPAS
PO BOX 96
WEST SWNZEY NH 03469

112-027-000
EDWARD H LETOURNEAU JR
22 APPLETON ST
KEENE NH 03431

112-028-000, 112-029-000
UNIVERSITY SYSTEM OF NH210
Holdings LLC
PO Box 164
Marlow NH 03456

594-081-000
DAVID MCQUAID HINDERAKER
ANNA CARMELA HINDERAKER
409 MAIN STREET
KEENE NH 03431

HUNDRED NIGHTS INC
PO BOX 833
17 LAMSON STREET
KEENE NH 03431

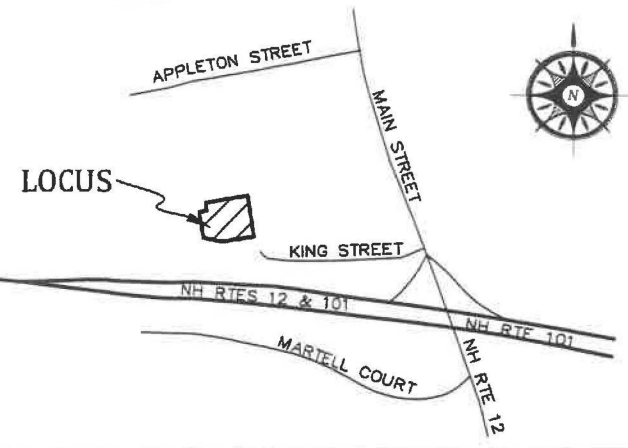
BRICKSTONE LAND USE
CONSULTANTS LLC
185 WINCHESTER STREET
KEENE NH 03431

112-011-000
JOHN E CLARK
PATRICIA L CLARK
59 DICKINSON RD
KEENE NH 03431

112-012-000
GEORGE P ACHILLE JR
PO BOX 87
PETERBOROUGH NH 03458

REFERENCE PLANS

- 1) "BUILDING & LAND OFF KING COURT, OWNED BY HARRY E. KENNEY, UNDER PURCHASE AGREEMENT TO WILLIAM A. STRETCH, JR. DBA INDIAN KING FRAMERY/NEW ENGLAND FRAME CRAFTERS"; DATED 6-22-81; SCALE 1"=20'; ON FILE AT THE CITY OF KEENE DEPARTMENT OF PUBLIC WORKS.
- 2) "STATE OF NEW HAMPSHIRE, DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS, PLAN OF PROPOSED FEDERAL AID URBAN PROJECT, U 013-1(14), N.H. PROJECT NO. P-3435-A, CITY OF KEENE, COUNTY OF CHESHIRE"; SHEET NUMBER 19; DATED 12/13/60; ON FILE AT NH DEPARTMENT OF TRANSPORTATION.



NOTES

- 1) THE PURPOSE OF THIS PLAN IS TO DEFINE THE BOUNDARY OF LOT 112-022-000.
- 2) OWNER OF RECORD:
WILLIAM A. STRETCH JR
485 COLUMBUS ROAD
WEST RR #1
OSHAWA, ON L1H7K-4
VOLUME 2082 PAGE 1
- 3) AREA OF LOT 112-022-000: 12,268 SF OR 0.28 ACRES
- 4) LOT NUMBERS REFER TO THE CITY OF KEENE PROPERTY MAPS.
- 5) CURRENT ZONING: LOW DENSITY
MIN. LOT AREA - 10,000 SF
MIN. FRONTAGE - 60 FEET
MIN. WIDTH AT BUILDING LINE - 70 FEET

SETBACKS:
FRONT - 15 FEET
SIDE - 10 FEET
REAR - 20 FEET
- 6) KING COURT IS WITHIN THE BY-PASS RIGHT OF WAY. SEE REFERENCE PLAN 2.
- 7) LOT 112-022-000 IS WITHIN THE 100 YEAR FLOOD PLAIN.
- 8) EASEMENTS
A. LOT 112-022-000 BENEFITS FROM A 16' WIDE RIGHT OF WAY RUNNING NORTHERLY FROM THE NORTHERLY BOUND OF KING COURT. SEE VOLUME 2082 PAGE 1.
B. LOT 112-022-000 BENEFITS FROM A 20' WIDE RIGHT OF WAY RUNNING WESTERLY FROM AN EXTENSION OF THE 16' RIGHT OF WAY. SEE VOLUME 2082 PAGE 1.
C. LOT 112-022-000 BENEFITS FROM EASEMENTS FOR WATER, SEWER AND UTILITY LINES. SEE VOLUME 620 PAGE 281, VOLUME 620 PAGE 286 AND VOLUME 620 PAGE 309.

THE PARCEL MAY BE SUBJECT TO OTHER EASEMENTS AS THEY EXIST OF RECORD OR IN FACT. CARDINAL SURVEYING AND LAND PLANNING DOES NOT INTEND OR REPRESENT THAT ALL RIGHTS AND EASEMENTS AFFECTING THE SUBJECT PROPERTY ARE SHOWN. A SPECIFIC TITLE EXAMINATION IS SUGGESTED TO DETERMINE THE NATURE AND EXTENT OF RIGHTS AND EASEMENTS AFFECTING THE SUBJECT PROPERTY.
- 9) THE LOCATION OF ANY UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. CARDINAL SURVEYING & LAND PLANNING MAKES NO CLAIMS TO THE ACCURACY OR COMPLETENESS OF THE UTILITIES SHOWN. FIELD VERIFICATION IS REQUIRED PRIOR TO ANY EXCAVATION ON THE SITE.

SURVEYOR'S CERTIFICATION

THIS SURVEY IS THE RESULT OF A RANDOM TRAVERSE USING AN ELECTRONIC TOTAL STATION AND MEETS THE MINIMUM REQUIREMENTS OF AN URBAN SURVEY AS SPECIFIED IN NH LAN 500.1.

PURSUANT TO RSA 676:18

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

NO.	DATE	REVISION	BY

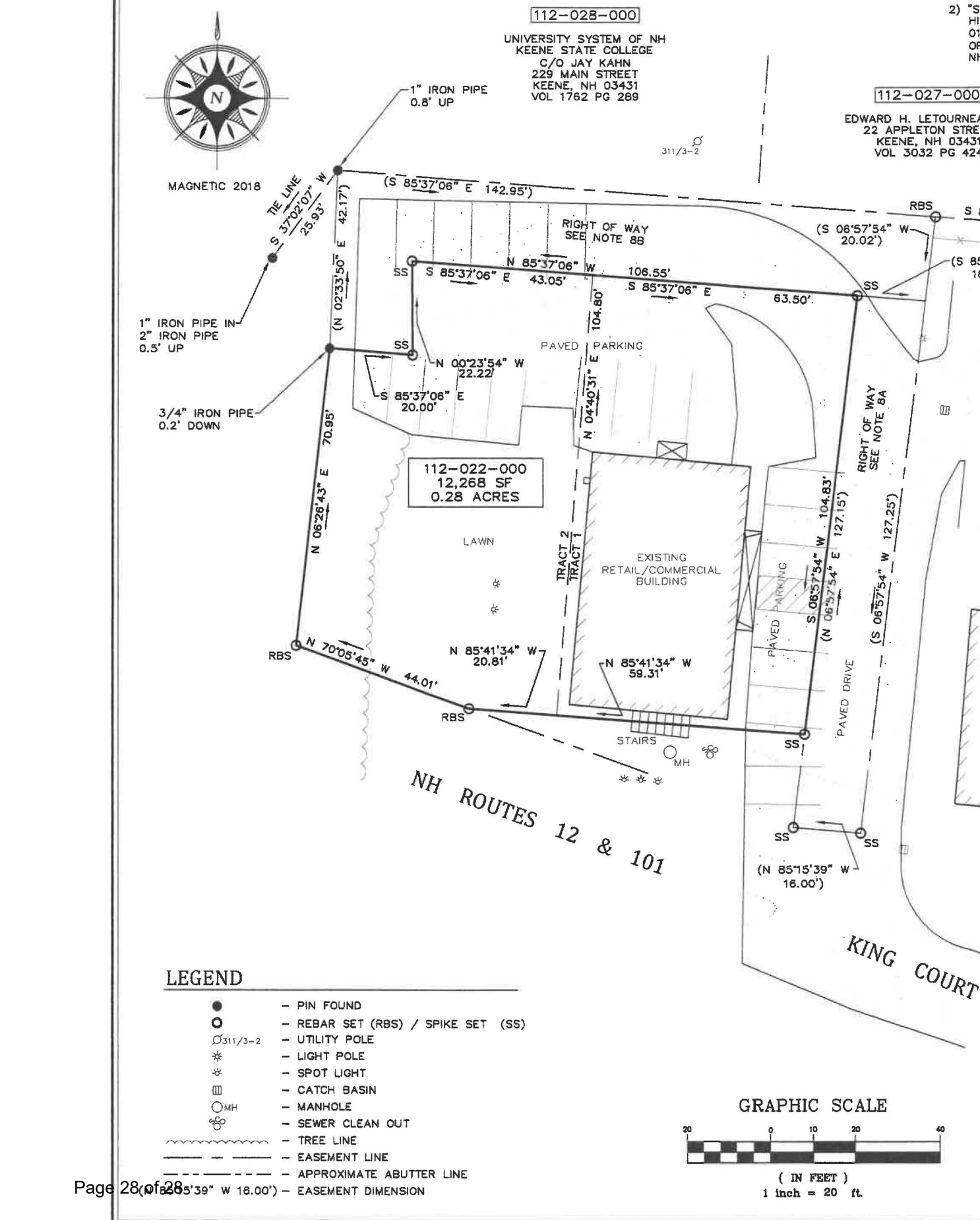
BOUNDARY PLAN

LOT 112-022-000
15 KING COURT
KEENE, NH 03431

DATE: AUGUST 20, 2018 SCALE: 1"=20'

PREPARED FOR:
WILLIAM A. STRETCH JR
485 COLUMBUS ROAD
WEST RR#1
OSHAWA, ON L1H7K-4

CARDINAL SURVEYING & LAND PLANNING
Keene, New Hampshire 03431
Tel. (603) 499-6151 SHT 1/1



- LEGEND**
- - PIN FOUND
 - - REBAR SET (RBS) / SPIKE SET (SS)
 - _{311/3-2} - UTILITY POLE
 - * - LIGHT POLE
 - * - SPOT LIGHT
 - ▣ - CATCH BASIN
 - _{MH} - MANHOLE
 - ⊗ - SEWER CLEAN OUT
 - ~~~~~ - TREE LINE
 - - - - - EASEMENT LINE
 - - - - - APPROXIMATE ABUTTER LINE
 - - - - - EASEMENT DIMENSION

